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10 Daniel David Rigmaiden
11 Pro Se, Defendant

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

29
30 United States of America,
31 Plaintiff,
32 v.
33 Daniel David Rigmaiden, et al.,
34 Defendant.

35 No. CR08-814-PHX-DGC

36 MOTION TO CONTINUE TRIAL AND
37 PRETRIAL MOTIONS AND TO VACATE
38 OCTOBER 28, 2013 STATUS
39 CONFERENCE

40 (23rd Request)

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1 progress in resolving certain matters. For example, the parties are on the verge of resolving
2 the issue regarding the deletion of materials from devices seized during execution of the
3 Northern District of California search warrants. By resolving this issue, the defendant's
4 pending interlocutory appeal, of which the Ninth Circuit is currently considering whether to
5 address, will be moot. Resolution of the data deletion issue will also result in an agreement
6 between the parties regarding the evidentiary nature of the remaining seized data. This
7 agreement will eliminate some evidentiary challenges should evidence be admissible at trial
8 or another proceeding. A system has also been designed allowing for the parties to easily
9 authenticate copies of the remaining digital evidence should any of it be used in a
10 proceeding.

11 Nevertheless, additional time is needed to finalize resolutions. As the Court is aware,
12 the case is extremely complex and the defendant is in pretrial detention which makes it
13 difficult for him to exchange information in a timely manner. There was also an unexpected
14 delay from late August to late September due to counsel for the government needing to
15 devote full attention to some other cases. Mr. Seplow and his assistant—who is also the
16 defendant's paralegal and communications hub—have been very busy over the last two
17 months as well. Because many of Mr. Seplow's deadlines were closing in all at once, the
18 defendant was not able to get as much help from Mr. Seplow's assistant. However, the
19 defense and government remained diligent and recently returned to a more active stance in
20 working to resolve pending issues.

21 The defendant also needs additional time to continue preparing his trial defense. For
22 example, additional witnesses need to be interviewed.

23 Unless the Court has specific questions that need to be answered, the defendant has no
24 additional information and does not see a need for a status conference at this time. If the
25 Court agrees, the defendant respectfully requests: (1) the October 28, 2013 status conference
26 be vacated, and (2) the case be continued in the manner requested above. This motion is
27 unopposed by counsel for the government.

28

* * * * *

1 Based on the points and authorities set forth herein, the defendant respectfully
2 requests that this motion be granted and that the proposed order be issued.

3 This motion and all attachments were drafted and prepared by the *pro se* defendant,
4 however, he authorizes his shadow counsel, Philip Seplow, to file this motion and all
5 attachments on his behalf using the ECF system.

6 LRCrim 12.2(a) requires that the undersigned include the following statement in all
7 motions: "Excludable delay under 18 U.S.C. § 3161(h)(1)(D) will occur as a result of this
8 motion or of an order based thereon."

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1 Respectfully Submitted:

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3 PHILIP SEPLOW, Shadow Counsel, on
4 behalf of DANIEL DAVID RIGMAIDEN,
5 Pro Se Defendant:
6

7 s/ Philip Seplow
8 Philip Seplow
9 Shadow Counsel for Defendant.

10 CERTIFICATE OF SERVICE

11 I hereby certify that on: I caused the attached document to be
12 electronically transmitted to the Clerk's Office using the ECF system for filing and
13 transmittal of a Notice of Electronic Filing to the following ECF registrants:

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15 Assistant United States Attorney
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